



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,409	11/25/2003	Giles R. Frazier	POU920030187US1	2650
46429	7590	09/04/2007	EXAMINER	
CANTOR COLBURN LLP-IBM POUGHKEEPSIE 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			PATEL, CHIRAG R	
		ART UNIT	PAPER NUMBER	
		2141		
		MAIL DATE	DELIVERY MODE	
		09/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,409	FRAZIER ET AL.	
	Examiner	Art Unit	
	Chirag R. Patel	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11/25/03

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 11/25/03

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

Claim Objections

Claim 2 is objected to because of the following informalities: Claim 2 recites "The method of claim 2 ..." A claim cannot depend on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. – hereinafter Ho (US 2002/0120740) in view of Yonge, III et al. – hereinafter Yonge, III(US 6,671,284).

As per claim 1, Ho discloses a method for resolving contention issues by a channel in a fibre optic switch environment, said contention issues occurring during channel program execution, comprising:

a channel receiving a status packet indicating that a device is no longer busy, said channel under a device-busy status; specifying whether said channel intends to re-initiate a channel program that previously resulted in said device-busy status; ([0041]) Ho fails to disclose if said channel does not intend to re-initiate said channel program, setting a first combination of bits in a re-initiate field of a status-acceptance packet

Art Unit: 2141

operable for indicating that said channel will take no further action; if said channel intends to re-initiate said channel program, setting a second combination of bits in said re-initiate field of said status-acceptance packet operable for indicating that said channel will re-initiate said channel program; and transmitting said status-acceptance packet to a control unit. Yonge, III discloses if said channel does not intend to re-initiate said channel program, setting a first combination of bits in a re-initiate field of a status-acceptance packet operable for indicating that said channel will take no further action; if said channel intends to re-initiate said channel program, setting a second combination of bits in said re-initiate field of said status-acceptance packet operable for indicating that said channel will re-initiate said channel program; and transmitting said status-acceptance packet to a control unit. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose setting a first and second combination of bits in a re-initiate field of a status-acceptance packet in the disclosure of Ho. The motivation for doing do would have been to reduce the risk of interference and collisions, and to make sure the channels will not interfere with contention-free traffic by contending for access at an inappropriate time. (Col 3 lines 45-60)

As per claims 2, 4, and 9, Ho / Yonge, III disclose the method of claim 2. Ho fails to disclose wherein said re-initiate field is associated with a control header of said status-acceptance packet. (Col 11 lines 63- Col 12 lines 23, Col 19 lines 32 – Col 20 line 62) Yonge, III disclose wherein said re-initiate field is associated with a control

Art Unit: 2141

header of said status-acceptance packet. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose wherein said re-initiate field is associated with a control header of said status-acceptance packet in the disclosure of Ho. The motivation for doing so would have been to reduce the risk of interference and collisions, and to make sure the channels will not interfere with contention-free traffic by contending for access at an inappropriate time. (Col 3 lines 45-60)

As per claims 3 and 8, Ho discloses a method for resolving contention issues by a control unit in a fibre optic switch environment, said contention issues occurring during channel program execution, comprising: identifying at least one channel for which said control unit owes a device no-longer-busy status, said control unit in communication with said device; sending a status packet to said at least one channel, said status packet indicating said device is no longer busy; receiving a status-acceptance packet from said at least one channel, ([0010],[0041]) Ho fails to disclose said status-acceptance packet including a re-initiate field; and waiting a first period of time for a command initiating a new channel program from said channel if a first combination of bits set in said re-initiate field indicates that said channel intends to re-initiate said channel program. Yonge, III discloses said status-acceptance packet including a re-initiate field; and waiting a first period of time for a command initiating a new channel program from said channel if a first combination of bits set in said re-initiate field indicates that said channel intends to re-initiate said channel program. (Col 11 lines 63-

Art Unit: 2141

Col 12 lines 23, Col 19 lines 32 – Col 20 line 62) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose said status-acceptance packet including a re-initiate field; and waiting a first period of time for a command initiating a new channel program from said channel if a first combination of bits set in said re-initiate field indicates that said channel intends to re-initiate said channel program in the disclosure of Ho. The motivation for doing so would have been to reduce the risk of interference and collisions, and to make sure the channels will not interfere with contention-free traffic by contending for access at an inappropriate time.

(Col 3 lines 45-60)

As per claims 5 and 10, Ho / Yonge, III disclose the method of claim 4. Ho fails to disclose wherein a second combination of bits set in said re-initiate field indicate that said channel does not intend to re-initiate said channel program. Yonge, III discloses wherein a second combination of bits set in said re-initiate field indicate that said channel does not intend to re-initiate said channel program (Col 20 lines 21-62). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose wherein a second combination of bits set in said re-initiate field indicate that said channel does not intend to re-initiate said channel program in the disclosure of Ho. The motivation for doing so would have been to reduce the risk of interference and collisions, and to make sure the channels will not interfere with contention-free traffic by contending for access at an inappropriate time. (Col 3 lines 45-60)

As per claims 6 and 11, Ho / Yonge III disclose the method of claim 5. Ho discloses wherein said second combination of bits set in said re-initiate field causes said control unit to perform at least one of: sending a no-longer-busy status to a second channel to which said no-longer-busy status is owed; and sending a no-longer-busy status to all channels for which said no-longer-busy status is owed. ([0041] –[0042])

As per claims 7 and 12, Ho / Yonge III disclose the method of claim 4. Ho discloses the wherein a third combination of bits set in said re- initiate field causes said control unit to perform:

waiting a second period of time for a command initiating a new channel program from said channel, said second period of time exceeding said first period of time; ([0068]) Ho fails to disclose wherein said waiting a second period of time is operable for enabling said new channel program with said first combination of bits set in said re-initiate field to be initiated before said new channel program with said third combination of bits set in said re-initiate field. (Col 11 lines 63- Col 12 lines 23, Col 19 lines 32 – Col 20 line 62) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose wherein said waiting a second period of time is operable for enabling said new channel program with said first combination of bits set in said re-initiate field to be initiated before said new channel program with said third combination of bits set in said re-initiate field in the disclosure of Ho. The motivation for doing do would have been to reduce the risk of interference and

Art Unit: 2141

collisions, and to make sure the channels will not interfere with contention-free traffic by contending for access at an inappropriate time. (Col 3 lines 45-60)

As per claim 13, please see the discussion under claims 1 and 2 as it relates to similar subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Chirag Patel
Patent Examiner

Art Unit: 2141

AU 2141

C.P. *C.P.*



JASON CARDONE
SUPERVISORY PATENT EXAMINER